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Attorneys for Proposed Intervenor

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

JANINE CHANDLER, et al.,

Plaintiffs,

v.

CALIFORNIA DEP'T OF CORRECTIONS
AND REHABILITATION, et al.,

Defendants.

Case No. 1:21-cv-01657-JLT-HBK

DECLARATION OF NORA WYATT HUPPERT

Judge: Hon. Jennifer L. Thurston
Courtroom: 4, 7th Floor

1 I, Nora Wyatt Huppert, do declare:

2 1. I make this declaration based on my personal knowledge, and if called to testify I
3 could and would do so as follows:

4 2. I am a Staff Attorney at Lambda Legal, and I am one of Proposed Intervenor's
5 counsel in this matter.

6 3. I am submitting this declaration to detail Proposed Intervenor's counsel's receipt
7 of the Asia Davis Declaration, which caused Proposed Intervenor to request permission to file a
8 Supplemental Reply in Support of Defendants' Motion to Strike, Dkt. No. 38, after the motion
9 had otherwise been fully briefed.

10 4. On May 31, 2022, Plaintiffs filed their Opposition to Defendants' Motion to
11 Dismiss, Dkt. No. 36. The brief and its accompanying declarations introduced numerous rumors
12 originating from anonymous third parties of a supposed sexual assault by a specific transgender
13 woman, Syiaah Skylit, who Plaintiffs referred to by a different name she has used. Plaintiffs
14 referred to this in their briefs as the "May 2022 Alleged Rape."

15 5. On June 7, 2022, myself and other of Proposed Intervenor's counsel, Shawn
16 Meerkamper and Amanda Goad, conferred telephonically with Dr. Jen Orthwein, an attorney for
17 Syiaah Skylit. Dr. Orthwein discussed the declarations that Plaintiffs in this matter submitted
18 which included the anonymous rumors of an alleged sexual assault by their client. Dr. Orthwein
19 informed us that their firm had learned that Asia Davis, the alleged "victim" of the assault (who is
20 also the "A.D." referred to in certain of Plaintiffs' declarations), wanted to meet with Dr.
21 Orthwein. Counsel for Proposed Intervenor did not participate in any communications with Ms.
22 Davis.

1 6. On June 29, 2022, Dr. Orthwein transmitted to counsel for Proposed Intervenor
2 by email the executed Asia Davis Declaration, in which Ms. Davis clearly and emphatically
3 denies any assault by Syiaah, who she refers to by a different name that Syiaah has used.

4 7. Proposed Intervenor did not intend on filing any Reply in Support of Defendants'
5 Motion to Strike before the executed declaration was available to be filed. But upon obtaining the
6 executed Davis declaration, Proposed Intervenor sought to file it promptly to correct the
7 statements and suggestions put before the Court.

8 8. On June 30, 2022, Shawn Meerkamper transmitted the Davis declaration by email
9 to counsel for Plaintiffs, counsel for Defendants, myself, and another of Proposed Intervenor's
10 counsel, Elizabeth Arias. Shawn Meerkamper's email also (1) indicated Proposed Intervenor's
11 intent to file a request for this Court's leave to file a supplemental reply for the purpose of filing
12 the declaration, (2) solicited both parties' position on the filing pursuant to the Court's standing
13 order's meet and confer requirement, and (3) invited Plaintiffs' counsel to withdraw or correct the
14 false allegations put before the Court in light of Ms. Davis' declaration. A true and correct copy
15 of that email is attached hereto as EXHIBIT A.

16 9. Proposed Intervenor's Meet and Confer efforts are further outlined in the
17 accompanying Notice of Motion and Motion pursuant to the Court's standing order's requirement
18 that a party summarize such efforts in the notice of motion.
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1 I declare under penalty of perjury of the laws of the State of Illinois and the United States
2 that the foregoing is true and correct.

3 Executed this 5th day of July 2022 at Chicago, Illinois.
4

5 
6 _____
Nora Wyatt Huppert

EXHIBIT A

From: shawn@transgenderlawcenter.org
Sent: Thursday, June 30, 2022 3:20 PM
To: Candice Jackson; Lauren Adams; Preeti Bajwa; Anthony Corso
Cc: Nora Huppert; Arias, Elizabeth
Subject: Chandler v. CDCR | Decl. of Asia Davis and Meet & Confer Request
Attachments: 2022.06.24 - Declaration of Asia Davis DRAFT[60].pdf

Dear Candice, Lauren, Preeti, & Anthony:

We intend to file a Motion for Leave to File a Supplemental Reply in support of CDCR's Motion to Strike because we believe it is important that the Court be made aware of the attached Declaration of Asia Davis, the "A.D." who Plaintiffs claim was the victim of the "May 2022 Alleged Rape." As you'll see, Ms. Davis declares in no uncertain terms that this incident simply did not happen.

Please let us know your position on our intended motion. Alternatively, if you would prefer to meet and confer over phone, please provide some availability.

Candice and Lauren, in addition to your position on our motion, and in light of Ms. Davis declaration, please also let us know whether or not you intend to honor your duty of candor to the Court by withdrawing and correcting the false statements in your prior filings, per FRCP 11.

Thank you,
-Shawn

Shawn Thomas Meerkamper

pronouns: they/them/their

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